

### **REMARKS/ARGUMENTS**

The office action mailed October 30, 2007 has been carefully reviewed and these remarks are responsive to that office action. Reconsideration and allowance of this application are respectfully requested.

Claim 1-10 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Iborra, et al. (U.S. Application No. 2002/0100014).

Claims 1-4 and 6-18 remain in this application. Claim 5 has been canceled without prejudice or disclaimer and new claims 19-22 have been added.

Applicant respectfully traverses the rejection of claims 1-10 under 35 U.S.C. 101. As stated in MPEP 2106.01, descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. "Nonfunctional descriptive material" includes, but is not limited to, music, literary works, and a compilation or mere arrangement of data.

Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

As stated in MPEP 2106.01(I), a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory, which is the case here. Claim 1 explicitly recites a data structure stored on a computer readable medium. As such, claim 1 contains statutory subject matter that defines structural and functional interrelationships between the data structure and the

computer software and hardware components which permit the data structure's functionality to be realized.

Iborra, et al. (U.S. Application No. 2002/0100014) does not properly support a prima facie case of anticipation of claim 1, which has been amended to recite the limitation that previously appeared in cancelled claim 5, because Iborra does not disclose "a first class providing a level of abstraction between a second class and a third class, the second class and the third class searchable by the first class."

Iborra discloses an automated software production system in which system requirements are captured, converted into a formal specification, and validated for correctness and completeness. A translator then automatically generates a software application based on the validated formal specification, including user-interface code and error handling code.

On page 4, the office action cites page 8, paragraph [0093] and Figure 9C in support of the assertion that Iborra discloses a data structure in which "a first class providing a level of abstraction between a second class and a third class, the second class and the third class searchable by the first class (e.g., inheritance classes between parent and child classes)." But the cited portion of Iborra, like the rest of the prior art of record, does not disclose, teach, or suggest first second and third classes having a relationship of the type recited in claim 1. Paragraph [0093] of Iborra explains that the model disclosed by Iborra maintains information on relationships between classes, which can be of two types: aggregation and inheritance. Each aggregation relationship captures information about cardinalities, whether the aggregation is static or dynamic, whether the aggregation is inclusive or referential, whether the aggregation has an identification dependence, and a grouping clause when the aggregation is multi-valued. Each inheritance relationship stores the name of the parent class, the name of the child class and whether the specialization is temporary or permanent. Like Figure 9C of Iborra, paragraph [0093] of Iborra, is absolutely silent with respect to second and third classes being searchable by a first class, which provides a level of abstraction between the second class and the third class.

For at least the foregoing reasons, Iborra does not properly support a prima facie case of anticipation of claim 1, which is in condition for allowance.

Independent claims 11 and 15 contain limitations that are analogous to the limitation of claim 1 discussed above and are therefore also in condition for allowance for at least reasons similar to those discussed above in connection with claim 1.

Claims 2-4, 6-10, 12-14, and 16-22 are proper dependent claims and are therefore also in condition for allowance.

Further with respect to claim 6, page 5 of the office action cites page 8, paragraph [0093] and Figure 9C in support of the assertion that Iborra discloses that "the second class and the third class comprise nested classes (e.g., aggregation classes)." Aggregation classes specify that two classes have a part-to-whole relationship. But a nested class is defined within a nesting class, which is neither disclosed nor suggested by Iborra's disclosure of aggregation classes. As such, claim 6 is in condition for allowance for at least these additional reasons.

Claims 19 and 21 contain limitations that are analogous to the limitation of claim 6 discussed above and are therefore also in condition for allowance for at least reasons similar to those discussed above in connection with claim 6.

Further with respect to claim 7, page 5 of the office action cites page 5, paragraph [0067], Figure 19, and page 25, paragraph [0541] in support of the assertion that Iborra discloses that the second class and the third class comprise nested namespaces. Paragraphs [0067] and [0541] of Iborra state merely that "FIG. 19 is a dialog box used by the SOSY modeler to establish the set of attributes which will be displayed for the "expense" class." These paragraphs and Figure 19 are absolutely silent with respect to classes having nested namespaces. As such, claim 7 is in condition for allowance for at least these additional reasons.

Claims 20 and 22 contain limitations that are analogous to the limitation of claim 7 discussed above and are therefore also in condition for allowance for at least reasons similar to those discussed above in connection with claim 7.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Appln. No.: 10/824,253  
Amendment dated February 19, 2008  
Reply to Office Action of October 30, 2007

All rejections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

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